

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 2  
OFFERED BY MR. MITCHELL OF MICHIGAN**

At the end of subtitle F of title I of division B, add the following:

1 **SEC. \_\_\_\_ . CONSOLIDATED FUNDING PROGRAM.**

2 (a) IN GENERAL.—Chapter 1 of title 23, United  
3 States Code, is amended by adding at the end the fol-  
4 lowing:

5 **“§ 172. Consolidated funding program**

6 “(a) IN GENERAL.—Not later than 6 months after  
7 the date of enactment of this section, the Secretary shall  
8 establish a pilot program to allow up to 5 States to receive  
9 the base apportionment for the State in a lump sum, to  
10 be obligated and expended in accordance with this section.

11 “(b) CRITERIA.—The Secretary shall develop criteria  
12 for selection of a State to receive a block grant under this  
13 Act, including requiring that recipient States—

14 “(1) meet minimum levels for the condition of  
15 pavement established by the Secretary under section  
16 150(c)(3);

1           “(2) meet minimum levels for the condition for  
2           bridges on the National Highway System as de-  
3           scribed in section 119(f)(2);

4           “(3) uses a performance-based approach to  
5           transportation planning and programming for state-  
6           wide and metropolitan planning areas to meet the  
7           requirements of sections 134, 135, and 150; and

8           “(4) meet recertification requirements for State  
9           asset management plans for the National Highway  
10          System as described in section 119(e).

11         “(c) APPLICATIONS.—

12           “(1) REQUEST.—Not later than 6 months after  
13          the date of enactment of this section, the Secretary  
14          shall request applications in accordance with para-  
15          graph (2).

16           “(2) CONTENTS.—An application submitted  
17          under this paragraph shall include a plan on how the  
18          State and each affected metropolitan planning orga-  
19          nization shall continue to meet, or make significant  
20          progress toward meeting, performance measures and  
21          standards under section 150(c) of title 23, United  
22          States Code.

23         “(d) USE OF BLOCK GRANT FUNDS.—

1           “(1) ELIGIBILITIES.—Funds made available to  
2           a State under this program shall be eligible for use  
3           for any project eligible under—

4                   “(A) the national highway performance  
5                   program under section 119;

6                   “(B) the surface transportation block  
7                   grant program under section 133;

8                   “(C) the highway safety improvement pro-  
9                   gram under section 148;

10                   “(D) the congestion mitigation and air  
11                   quality improvement program under section  
12                   149; and

13                   “(E) for metropolitan planning under sec-  
14                   tion 134; or

15                   “(F) the national highway freight program  
16                   under section 167.

17           “(2) ALLOCATION OF FUNDS.—Of the total  
18           amount of funds provided under this section in a fis-  
19           cal year for projects described in paragraph (1)—

20                   “(A) 25 percent of funds shall be obli-  
21                   gated, in proportion to the relative shares of the  
22                   population of the State—

23                           “(i) to urbanized areas of the State  
24                           with an urbanized area population of over  
25                           200,000;

1                   “(ii) to areas of the State other than  
2                   urban areas with a population greater than  
3                   5,000; and

4                   “(iii) to other areas of the State; and

5                   “(B) for any funds that are not obligated  
6                   under subparagraph (A), such funds may be ob-  
7                   ligated in any area of the State.

8                   “(e) BLOCK GRANT SELECTION.—

9                   “(1) ISSUANCE.—The Secretary shall provide  
10                  grants under this section beginning with fiscal year  
11                  2022.

12                  “(2) OBLIGATION AUTHORITY.—Nothing in this  
13                  section shall be construed to increase an obligation  
14                  limitation applied to funds made available under this  
15                  section.

16                  “(3) SUBSEQUENT FISCAL YEARS.—Subject to  
17                  subsection (g)(2), the Secretary shall continue to ap-  
18                  portion block grants to the awarded States.

19                  “(4) SUNSET.—The authority to provide grants  
20                  under this section shall cease on the last day of fis-  
21                  cal year 2025.

22                  “(f) SUPPLEMENTAL FUNDS.—Funds reserved under  
23                  section 104(h) shall be treated as if apportioned in lump  
24                  sum under this section, and shall be in addition to  
25                  amounts apportioned under this section.

1 “(g) PROGRESS REPORT.—

2 “(1) IN GENERAL.—Not later than 2 years  
3 after the first fiscal year in which funds are provided  
4 under this section, any State receiving funds shall  
5 submit to the Secretary a progress report on meet-  
6 ing, or making significant progress toward meeting,  
7 performance measures and standards under section  
8 150(c).

9 “(2) GUIDANCE.—Not later than 1 year after  
10 the initial funds are provided under this section, the  
11 Secretary shall promulgate guidance to lump sum  
12 recipients on requirements for submitting a progress  
13 report under paragraph (1).

14 “(3) REVIEW.—If the Secretary finds that a  
15 State that received funds under this section did not  
16 meet, or achieve significant progress (as defined by  
17 the Secretary) toward target achievement of, all per-  
18 formance targets set in the report required under  
19 paragraph (1), the Secretary may not provide funds  
20 to such State under the program in the following fis-  
21 cal year or 6 months after determination that the  
22 State failed to meet, or make significant progress to-  
23 ward target achievement, whichever is later.

24 “(4) TRANSMISSION TO CONGRESS.—Not later  
25 than 30 days after which the Secretary receives a re-

1 port from a State under paragraph (1), the Sec-  
2 retary shall transmit the progress report to the  
3 Committee on Transportation and Infrastructure of  
4 the House of Representatives and the Committee on  
5 Environment and Public Works of the Senate.

6 “(h) TREATMENT OF LAW.—Notwithstanding any  
7 other provision of law, projects funded under this section  
8 shall be treated as projects on a Federal-aid highway  
9 under this chapter.

10 “(i) DEFINITION OF BASE APPORTIONMENT.—In  
11 this section, the term ‘base apportionment’ has the mean-  
12 ing given the term in section 104(i).”.

13 (b) CLERICAL AMENDMENT.—The analysis for chap-  
14 ter 1 of title 23, United States Code, is amended by add-  
15 ing at the end the following:

“172. Consolidated funding program.”.

